

Application Serial No.:	10/807,883
Application Filed:	March 24, 2004
Response dated:	September 27, 2006
Response to Office Action Mailed:	June 27, 2006

REMARKS

This application contains claims 15-23. Claims 1-14 have been previously canceled. Claims 15-23 have been rejected. Claims 15 and 22 have been amended. Therefore, Claims 15-23 are pending in the Application. Reconsideration of the application based arguments submitted below is respectfully requested.

Claim Rejections under 35 U.S.C. §102

Claims 15-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Morrow et al (6,561,932). Claims 15-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Grimes et al (6,062,994).

Applicant would like to respectfully point out that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” Id citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Also, “[t]he elements must be arranged as required by the claim...” Id citing In re Bond, 910 F.2d 831 (Fed. Cir. 1990).

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Claims 15-21

In regard to Claim 15, has been amended to clarify the direction of the concave shape and includes features not present in Morrow et al or Grimes et al. Morrow et al and Grimes et al do not show the inner edge of each sidewall being convex toward the opposing sidewall from the upper portion to the middle portion and from the lower portion to the middle portion. Morrow et al does not show the inner surfaces 39 and 41 being convex from the top to the bottom inwardly toward the opposing sidewall. Morrow et al shows a recessed channel 38 that is at best concave, not convex. This channel forms the ridge 70 and is specifically used to form “a seat for the ball when it is in the netting”. Column 4 lines 10-25.

Grimes et al does not show the upper and lower sides 47 and 49 being convex from the top to the bottom. Grimes et al shows these sides as concave, not convex, from the bead 44 to the cross member 14. Additionally, Grimes et al does not teach a lacrosse head having a scoop.

Claims 16-21 are dependent back to patentability distinct Claim 15 and include features not disclosed in Morrow. As such, Claims 16-21 are patentable.

Claim 22

In regard to Claim 22, has been amended to clarify the direction of the concave shape and includes features not present in the prior art. Namely, Claim 22 includes, among other features, side walls having an inner edge that is convex

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toward the opposing sidewall from the upper portion to the middle portion and from the lower portion to the middle portion. As previously discussed, the prior art does not show the inner surfaces being convex toward the opposing sidewall from the upper portion to the middle portion and from the lower portion to the middle portion.

Claim 23

In regard to Claim 23, Claim 23 teaches that the opposing lower portions of the inner edge curve outwardly from the opposing middle portions of the inner edge. As previously discussed, the prior art does not show the inner surfaces being convex outwardly from the opposing middle portions of the inner edge.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

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The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Amendment and Response to Deposit Account 23-0035.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this Response and Amendment for Application No. 10/807,883 and filed March 24, 2004 is being transmitted electronically to:

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Art Unit 3711
Examiner Michael S. Chambers

on September 27, 2006.

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